<center>**REMARKS**</center>

Claims 1-4, 11-26, 28-42, 44-49, 51-57, 59-64, 66-72 and 74 were rejected by the Examiner.

Claims 1, 20-24, 26, 28-42, 44-46, 53-57, 59-61, 68-72, and 74 are amended.

Claim 25 is cancelled.

Claims 75 and 76 are newly added.

Claims 1-4, 11-24, 26, 28-42, 44-49, 51-57, 59-64, 66-72, 74, 75, and 76 are pending after this amendment.

Summary of Examiner Interview

Applicant thanks Examiner Tran for the telephonic interview conducted on September 17, 2008. During the interview, Applicant's representatives and the Examiner discussed the rejections outstanding in the Examiner's office action and whether the cited references teach or suggest "weighted operating system markers" as claimed.

No agreement was reached.

35 U.S.C. § 103 Rejections

The Examiner rejected claims 1-4, 11-23, 30, 34-42, 44-49, 51-57, 59-64, 66-72, and 74 under 35 U.S.C. § 103(a) as unpatentable over Lanier (No. RE37,431E) in view of Lehmeier (6,981,242B2) and further in view of Abbott (2003/0046401A1). The Examiner also rejected claims 25, 26, 28, 29 and 33 under 35 U.S.C. § 103(a) as unpatentable over Lanier in view of Lehmeier and further in view of Abbott and further in view of Morrison (2003/0030668). The Examiner rejected claims 24, 31, and 32 under 35 U.S.C.

§ 103(a) as unpatentable over Lanier in view of Lehmeier and further in view of Abbott and further in view of Aleksander et al (7,080,321). These rejections are now traversed.

Amended independent claims 1, 46, 60, and 61 recite elements related to configuring a user interface based on a user proficiency level determined from a weighted score. The weighted score is based on stored weighted operating system markers and stored weighted application program markers. The operating system markers include a number of currently opened application programs. For example, amended independent claim 1 recites:

> storing a plurality of application program markers, each application program marker associated with one of the plurality of application programs, and indicating a user interaction with the associated one of the application programs;
> storing a plurality of operating system markers, each operating system marker indicating a user interaction with the operating system, **the operating system markers including a number of currently opened application programs**;
> assigning weights to each of the plurality of application program markers and each of the plurality of operating system markers;
> determining a weighted score as a function of a subset of the weighted operating system markers and a subset of the weighted application program markers;
> determining a user proficiency level with respect to the user interface of the application program and the user interface of the operating system based upon the weighted score; and
> automatically configuring at least one functional component of the user interface of the application program and at least one functional component of the user interface of the operating system responsive to the user proficiency level.

Thus, amended independent claim 1 recites, *inter alia*, determining a user proficiency level with respect to the user interface of an operating system based on a weighted score that is determined as a function of operating system markers that include **a number of currently opened application programs**. Amended independent claims 46, 60, and 61 recite similar elements.

Lanier does not teach or suggest "operating system markers including a number of currently opened application programs" as recited by the independent claims. Lanier in-

stead describes monitoring user-directed events and a system state. *See* Lanier, 3: 14-15. The user-directed events and the system state are then stored as data in a knowledge base. *See* Lanier, 3: 19-20. If a user requests help, then an inference engine tests known data against help system rules to provide a help tag. *See* Lanier, 3: 24-26. However, Lanier does not teach or suggest operating system markers "including a number of currently opened application programs" as claimed.

Computer users who are less proficient with user interfaces will generally prefer a simpler user interface whereas computer users who are more proficient with user interfaces will generally prefer a more complex user interface. One indication that a computer user is less proficient with user interfaces is the number of currently opened application programs. Thus, the claimed invention automatically configures at least one functional component of the user interface of an application program and at least one functional component of the user interface of an operating system based on a weighted score that is determined as a function of operating system markers that include the number of currently opened application programs.

Although Lanier monitors user-directed events and a systems state, neither of these are operating system markers "including a number of currently opened application programs" as claimed. User-directed events are activities that a user performs in an application program. *See* Lanier, 3: 13-17. The systems state is a machine state and an application-specific state. *See* Lanier, 3: 17-20. The machine state includes information about the "current system level" and the application specific state includes information that is "unique to an application". *See* Lanier, 3: 62-67 and 4: 7-17. Thus, the user directed events and the system state disclosed by Lanier do not teach or suggest operating system markers "including a number of currently opened application programs" as claimed.

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Lehmeier, Abbott, Morrison, and Aleksander also do not teach or suggest operating system markers "including a number of currently opened application programs" as claimed. The combination of Lanier with any of these references therefore does not teach or suggest all elements of the independent claims, nor the claims that depend therefrom.

Thus, claims 1-4, 11-24, 26, 28-42, 44-49, 51-57, 59-64, 66-72, and 74 are patentably distinguishable over the cited references. The rejection of these claims under §103(a) should therefore be withdrawn.

Conclusion

Should the Examiner wish to discuss the above amendments and remarks, or if the Examiner believes that for any reason direct contact with Applicant's representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,
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